

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:)	CASE NO. 18-20829-GLT
)	
DUC VAN VO)	CHAPTER 7
DEBTOR)	Document No.
)	
DUC VAN VO)	
MOVANT)	
vs)	
)	
MIDLAND FUNDING, LLC,)	
RESPONDENT)	

MOTION TO AVOID LIEN

NOW COMES, the Debtor, Duc V. Vo, by and through his counsel, Santillan Law, P.C. and Edgardo D. Santillan, Esq., and files the within Motion to Avoid Lien based upon the following:

1. These proceedings were commenced by the filing of a Voluntary Petition under Chapter 7 of the United States Bankruptcy Code on March 5, 2018.
2. The Court has jurisdiction of the within matter pursuant to 28 U.S.C. § 157 and 11 U.S.C. § 522(f).
3. The Debtor resides at 381 3rd St. 1st Floor, Beaver, PA 15009.
4. Respondent, Midland Funding, LLC, having an office at 8875 Aero Drive, San Diego, CA 92123 and c/o Attorney Michael Volk, 6 Kacey Court, Suite 203, Mechanicsburg, PA 17055 filed a Civil Complaint against Duc Vo in the Court of Common Pleas of Beaver County, Pennsylvania on March 31, 2009 which was a magistrate judgment. The Complaint is filed at Case No. 2009-30724 and judgment was subsequently entered on March 31, 2009 in the amount of \$2,407.48.
5. The market value of the Debtor's interest in his personal property, as of the bankruptcy filing was as follows: Checking account with Citizens Bank \$200.00, checking account with PNC Bank \$400.00, General household goods and furnishings \$1,000, Clothing \$200.00, 2015 Toyota Highlander \$33,201.00. The Debtor has claimed equity in his personal property as exempt pursuant to 11 U.S.C. § 522(d)(2) et seq. on Schedule C of his bankruptcy petition.

6. The judgment of Midland Funding, LLC is a judicial lien that impairs the exemption taken by the Debtor in his real and personal property.

7. Pursuant to 11 U.S.C. § 522(f), the Debtor may avoid the fixing of the Respondent's lien upon her real and personal property.

8. The judgment of the above Respondent does not secure a debt to a spouse, former spouse, or child of the debtors, for alimony to, maintenance for, or support of such spouse or child, in connection with the separation agreement, divorce decree or other Order of Court of record, determination made in accordance with State or territorial law by a governmental unit, or property settlement agreement.

WHEREFORE, the Debtor respectfully requests this Honorable Court to enter its Order avoiding the above-referenced judgment as a lien on his real and personal property and granting any other additional relief as may be appropriate.

Date: May 25, 2018

By: /s/ Edgardo D. Santillan
Edgardo D. Santillan, Esquire
Counsel for Debtors
SANTILLAN LAW, P.C.
775 Fourth St.
Beaver, PA 15009
(724) 770-1040 PA ID# 60030
ed@santillanlaw.com